

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MIKAYLA CHEYENNE SAVAGE,

Plaintiff,

v.

Civil Action No.: 4:24-cv-00666

**HARRIS COUNTY, TEXAS; SHERIFF ED §
GONZALES, in his official capacity; §
DETENTION OFFICER ARNOLDO §
MARTINEZ, in his individual capacity; §
DETENTION OFFICER ANDREW RADA, §
in his individual capacity; DETENTION §
ADMINISTRATIVE OPERATIONS §
OFFICER DANIKA MATHEWS, in her §
individual capacity; DETENTION OFFICER §
OZALYNN LOZANO, in his individual §
capacity; DETENTION OFFICER §
TRUCCELL LAGARDE, in her individual §
capacity; DETENTION OFFICER TAYLOR §
HODGES, in his individual capacity; §
DETENTION OFFICER GLORIA §
EZEOKI, in her individual capacity; LAW §
ENFORCEMENT OFFICER MICHAEL §
THOMAS, in his individual capacity; LAW §
ENFORCEMENT OFFICER LAKISHA §
CHEATHAM, in her individual capacity; §
and DETENTION OFFICER MARILYN §
JOHN, her individual capacity §
individual capacities. §**

Defendants. §

**PLAINTIFF’S MOTION FOR CLERK’S ENTRY OF DEFAULT AGAINST
DEFENDANTS TRUCCELL LaGARDE, MARILYN JOHN, AND MICHAEL THOMAS**

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Plaintiff Mikayla Cheyenne Savage (“Plaintiff”) respectfully requests that the Clerk of this Court enter an Order of Default against Defendants Trucell LaGarde (“LaGarde”), Marilyn John (“John”), and Michael Thomas (“Thomas”) (collectively, “Defendants”) because Defendants failed to answer Plaintiff’s Amended

Complaint or otherwise file an appearance within the time limits prescribed by law. Plaintiff represents the following in support of this motion:

1. Plaintiff filed her Original Complaint on February 26, 2024 in the United States District Court for the Southern District of Texas asserting claims under 42 U.S.C. § 1983 against the defendants following the physical, mental, and emotional abuse inflicted on her while she was a detainee at the Harris County Jail. (Doc. 1).

2. During her three months in the Harris County Jail, Plaintiff endured uninhabitable living conditions and at least six separate physical and sexual assaults.

3. Defendants were originally named as some of the “Doe” defendants. However, after some discovery, Plaintiff was able to identify them and filed a First Amended Complaint on September 5, 2024, discussing the specific claims against these Defendants. (Doc. 52).

4. Plaintiff diligently attempted service of Defendants through traditional methods as outlined in Plaintiff’s Motion for Substituted Service. (Doc. 78). The Court granted Plaintiff’s Motion for Substituted Service, authorizing Plaintiff to serve Defendants by leaving a copy of the service documents with the Harris County Jail front desk. (Doc. 79). Defendants were served pursuant to this Court’s order on February 1, 2025. (Doc. 82, 83, 85). Defendants’ answer deadline was February 24, 2025.

5. Plaintiff has followed proper service procedure by serving in accordance with this Court’s order.

6. Under Federal Rule of Civil Procedure 12, a defendant must serve its answer within 21 days after being served with the summons and complaint. Fed. R. Civ. P. 12(a)(1)(A)(i).

7. Defendants did not file a timely answer or appear in the lawsuit within 21 days after service was perfected. Therefore, an entry of default is proper as Defendants did not plead or otherwise respond to the complaint. *New York Life Ins. v. Brown*, 84 F.3d 137, 141 (5th Cir. 1996).

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the Court grant an entry of default requested in this motion, the clerk enter an order of default against Defendants, and for any other further relief, both general and special, at law and in equity to which this Court may find Plaintiff justly entitled.

Dated March 13, 2025.

Respectfully submitted,

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Attorneys for Plaintiff Mikayla Cheyenne Savage

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document has been served electronically via email on March 13, 2025 on all defense counsel of record.

/s/Karley Buckley
Karley Buckley

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